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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/926,080 | 08/27/2001 | Seiichi Okamoto | 213258US2SPCT | 1950 |

22850 7590 11/03/2005

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| EXAMINER |
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DASS, HARISH T

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| ART UNIT | PAPER NUMBER |
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3628

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,080

Applicant(s)

OKAMOTO ET AL.

Examiner

Harish T. Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-9,11-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,11-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 3-5, 10, and 19 are canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6-9, 11-18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslund et al (hereinafter Forslund – US 6,250,557) in view of Howell et al (hereinafter Howell – US 6,462,644) and Matsumoto et al (hereinafter Matsumoto – US 5,992,738).

Re. Claim 1, Forslund discloses second communication interface configured to communicate with a communication machine using radio transmission [C2 L38-L50; C4 L18-L22, C4 L62 to C 5 L22], and means for transmitting the electronic money to the communication machine for making payment [C3 23-L35; C4 L40-L50; C5 L31-L39] and smart card [C5 L30-L35; C6 L29-L65].

Forslund does not explicitly disclose first communication interface configured to communicate with a server via the base station, and a storage unit configured to store electronic money. However, Howell discloses a vending machine and multiple communication adopter at least one wireless, and first communication interface configured to communicate with a server via the base station [see entire document

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particularly, Figure 1 (items #102 & 104, #108 (base), Figure 2 items #204, #208 (base), #210 (server); C2 L39-L44, L49-L55; C4 L10-L25, C4 L64 to C5 L5; C11 L35-L67 (claim 9)) to provide vending machine interface with multiple communication technologies and configuring interface adopter to communicate with one of the communication technology. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Forslund and Howell to provide vending machine interface with multiple communication technologies to communicate with different destinations device with different protocol.

Forslund and Howell failed, explicitly, to teach storage unit configured to store electronic money. However, Matsumoto discloses a storage unit configured to store electronic money [Abstract; C1 L40-L65 – see smart card] to provide a terminal with IC card for storing electronic money for commercial transactions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Forslund and Howell and include function of a storage unit configured to store electronic money, as disclosed by Matsumoto, to provide a wireless communication system for vending machine to communicate (transmit) the transaction data to the database and money storage device (smart card) to carry an electronic money transaction.

Re. Claim 2, Forslund discloses means for acquiring the electronic money, to be used for making payment [C3 23-L35; C4 L40-L63]. Howell further disclosed communicating with a server via the base station [Figure 2 items #204, #208 (base), #210 (server) –

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also see claim 1] to provide vending machine interface with main server to transfer money. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Forslund and Matsumoto and include communicating with a server via the base station, as disclosed by Howell to provide means to transfer money to the storage device (smart card).

Re. Claim 6, Forslund discloses wherein the second communication interface includes a Bluetooth radio unit [C4 L24-L26; C6 L25-L27 – bluetooth is a chip transmitter].

Re. Claim 7, Forslund further discloses means for acquiring menu information and from the communication machine via the second interface [C4 L51 to C5 L44] and Matsumoto further discloses storing the menu information in the storage unit [Figure 3; C1 L40-L65] to provide means for storing transactions points and other information. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Forslund and Howell and include storing the menu information, as disclosed by Matsumoto to allow user to display the transaction data.

Re. Claims 8-9, Matsumoto further discloses means for counting a number of transactions conducted with the communication machine; means for storing, the number of transactions, counted by the means for counting; and means for storing the menu information corresponding to the number of transactions if the number of transaction is

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equal to or larger than a predetermined value (wallet resources), a display unit configured to display information; and

display control means for displaying the menu information stored in the storage unit, corresponding to the number of [Abstract; Figures 2-4; C3 L51-L65; C7 L53-L62; C8 L43-L49] to display the upper limit value and when it is reached the upper limit to display the access frequency and reset to initial value. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Forslund and Howell to include displaying the access frequency (number) to impose a restriction on unfair use, as disclosed by Matsumoto to display the upper limit and inform the user he/she has reached upper limit.

Re. Claim 11, Forslund discloses wherein the storage unit stores subscriber's information corresponding to the electronic money. [C2 L38-L50; C3 L62 to C4 L22; C4 L62 to C5 L22; C9 L15 to C10 L15; claims].

Re. Claims 12-13, Forslund discloses a slot configured to connect a memory card, means for transmitting transaction information, a storage unit, and the means for acquiring acquires the electronic money from the server and the means for transmitting transaction information, acquired by the means for acquiring, to the communication machine [C3 23-L35; C4 L40-L63; C7 L63 to C8 L621]. Matsumoto discloses wherein the electronic money, is stored in the memory card, if a price of a commodity is less than an amount of remaining electronic money stored in the storage unit, and if the price

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of the commodity is greater than the amount of remaining electronic money stored in the storage unit [C10 L13-37; C11 L54 to C12 L35] to update the balance. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Forslund and Howell and include storing information for electronic money equivalent to the sum information of the transaction and provide security when larger transaction is performed.

Re. Claim 14, Forslund discloses second communication interface configured to communicate with a communication machine using radio transmission [C2 L38-L50; C4 L18-L22, C4 L62 to C5 L22], store subscriber's information corresponding to the first electronic money [Figures 1-2; C1 L12-L23; C2 L38-L50; C3 L62 to C4 L22; C4 L62 to C5 L22; C9 L15 to C10 L15; claims],

a second storage unit configured a store second electronic money with a different standard from a standard of the first electronic money [C1 L14; C4 L15 (SIM and RAM or ROM or wallet)], and

means for transmitting the electronic money stored in at least one of the first storage unit and the second storage unit to the communication machine for making payment [C3 23-L35; C4 L40-L50; C5 L31-L39].

Forslund does not explicitly disclose first communication interface configured to communicate with a server via the base station, and a first configured to store electronic money.

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However, Howell discloses a vending machine and multiple communication adopter at least one wireless, and first communication interface configured to communicate with a server via the base station [see entire document particularly, Figure 1 (items #102 & 104, #108 (base), Figure 2 items #204, #208 (base), #210 (server); C2 L39-L44, L49-L55; C4 L10-L25, C4 L64 to C5 L5; C11 L35-L67 (claim 9)] to provide vending machine interface with multiple communication technologies and configuring interface adopter to communicate with one of the communication technology. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Forslund and Howell to provide vending machine interface with multiple communication technologies to communicate with different destinations device with different protocol.

Forslund and Howell failed, explicitly, to teach storage unit configured to store electronic money. However, Matsumoto discloses a storage unit configured to store electronic money [Abstract; C1 L40-L65 – see smart card] to provide a terminal with IC card for storing electronic money for commercial transactions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Forslund and Howell and incorporate a function of a storage unit configured to store electronic money, as disclosed by Matsumoto, to provide a wireless communication system for vending machine to communicate (transmit) the transaction data to the database and money storage device (smart card) to carry an electronic money transaction.

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Re. Claim 15, claim 15 is rejected with same rational as claim 2.

Re. Claim 16, Forslund discloses further comprising a slot configured to connect a memory card, wherein the second electronic money [C1 L15; C4 L12-L15 – see RAM, ROM and data bus controller].

Re. Claims 17-18, Forslund discloses means for transferring electronic money between the first storage unit and the second storage unit and means for withdrawing electronic money via at least one of the first communication interface and the second communication interface, and for storing the withdrawn electronic money in the second storage unit [C7 L63 to C8 L9].

Re. Claim 20, neither Forslund nor Howell explicitly discloses wherein, the means for transmitting transmits the first electronic money to the communication machine. If a price of a commodity is less than an amount of the first electronic money remaining stored in the first storage unit, and the means for transferring transfers the second electronic money to the first storage unit and the means for transmitting transmits the transferred second electronic money to the communication machine if the price of the commodity is greater than the amount of the first electronic money remaining stored in the first storage unit and the price of the commodity is equal to or less than a total amount of the amount of the first electronic money and the second electronic money.

However, Matsumoto discloses these functions [see entire document particularly, Figures 1, 3-5, 8; C1 L40-L65; C3 L51-L65; C7 L53-L62; C8 L43-L49] to display the upper limit value and when it is reached the upper limit to display the access frequency and reset to initial value. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Forslund and Howell include multiple storage to manage the credit card accounts for balance, deposit, transfer between accounts, withdrawal, etc, as disclosed by Matsumoto to display the upper limit value and allow the user to reset the usage.

Re. Claim 21, Forslund discloses an input unit configured to input an instruction for buying [C4 L40 to C5 L5]; a second communication interface configured to communicate with a vending machine using a direct communication path, and [C2 L38-L50; C4 L18-L22, C4 L62 to C 5 L22], and smart card and storage units (wallets) [C5 L30-L35; C6 L29-L65]

Forslund does not explicitly disclose a control unit configured to transmit the electronic money, stored in the storage unit, for making payment based on the instruction and a first communication interface configured to communicate with a server via the base station, and a storage unit configured to store electronic money and a storage unit configured to store electronic money.

However, Matsumoto discloses a control unit configured to transmit the electronic money for making payment based on the instruction and a storage unit configured to store electronic money [C1 L41-L65; C10 L12-L35; Abstract; C1 L40-L65 – see smart

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card] to update specific balances according to input transactions and purchases (shopping). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Forslund and Matsumoto to transmit money from/to smart card and update specific balances according to input transactions.

Forslund and Matsumoto failed to teach a first communication interface configured to communicate with a server via the base station. However, Howell discloses a first communication interface configured to communicate with a server via the base station Figure 1 (items #102 & 104, #108 (base), Figure 2 items #204, #208 (base), #210 (server); C2 L39-L44, L49-L55; C4 L10-L25, C4 L64 to C5 L5; C11 L35-L67 (claim 9)) to provide vending machine interface with wireless communication ability. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Forslund and Matsumoto and include communication interface configured to communicate with a server via the base station, as disclosed by Howell to provide a wireless communication system for vending machine to communicate (transmit) the transaction data to the database and money storage device (smart card) to carry an electronic money transaction.

Re. Claim 22, Forslund discloses wherein the control unit communicates with the server for acquiring the electronic money and stores the acquired electronic money into the storage unit [C3 23-L35; C4 L40-L63; C7 L63 to C8 L621].

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Re. Claim 23, Forslund a control unit acquires the electronic money and if an entered code is correct [C3 23-L35; C4 L40-L63 – entering correct password (pin) is known and the user of debit card is required to enter the pin to transfer money or make a payment]. Neither Forslund nor Howell discloses a display unit, which displays a code entry display for prompting a user to enter a code number. Matsumoto discloses a display unit, which displays a code entry display for prompting a user to enter a code number [Figures 2-4; C1 L55 (security code); C3 L22-L33] to prompt user to proceed and enter next action. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Forslund and Howell and include display unit to prompt user to enter next action.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US Pub 2002/0084889 to Bolavage et al, Jul. 4, 2002 discloses system and method of using a smart card interrogator which can communicate with RF tags on multiple frequencies and bandwidths and radio frequency identification systems, and more particularly, to automatic interrogation technology on multiple bandwidths and multiple frequencies.

US 6,424,884 to Brooke, Jr. et al, July 23, 2002 "Vending machine with transponder interrogator" discloses a vending machine includes a transponder interrogator. A customer carries a transponder embedded within an ornamental or useful item, such as a key chain ornament. When the customer desires to make a purchase from the vending machine, the customer presents the transponder to the transponder interrogator. The transponder is identified and a credit amount associated with that transponder is debited the purchase price. The system enables the vending

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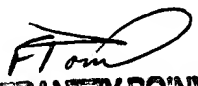
machine operator to track the purchasing habits of the transponder user, and to provide instant incentives to purchasers using the transponder, based upon the customer's profile or purchasing habits.

US 5,887,266 to Heinonen et al discloses it is possible to store money to an "electric money purse" in the mobile station and menu type which allows user to select application type he wants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANTZ POINTE
PRIMARY EXAMINER
AU 3628

Harish T Dass
Examiner
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